IN THE HIGH COURT OF JUDICATURE OF BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO. 382 Of 2003

IN

SUIT NO. 427 of 2003

Ramesh Kumar L. Jain .. Plaintiff

versus

Balakram H. Sutar .. Defendant

...

Mr.R.D. Dave i/b N.N. Vaishnawa for the plaintiff.

None for the defendant.

CORAM : D.G. KARNIK,J.

DATED : 24th March 2005.

P.C.:

1. None present for the defendant even at the second call. Heard the learned counsel for the plaintiff.

2. This motion is taken out by the plaintiff for Attachment before Judgement of the property of the defendant.

3. The plaintiff has filed the suit against the

defendant for recovery of the money advanced to the defendant against pledge of gold ornaments. The gold ornaments were found to be stolen property and were seized by the police and therefore, the loan advanced by the plaintiff to the defendant is now without any security. By filing an additional affidavit dated 14th February 2005, the plaintiff has averred that it is his personal knowledge that defendant is about to dispose of his property. He has further stated that the defendant has disposed of one of his properties i.e. residential premises and it is likely that the defendant may dispose of even his business premises. It is stated in the affidavit that the business premises are kept closed and whereabouts of the defendant are not known. No further affidavit traversing these facts have been filed by the defendant.

4. In the circumstances, motion is made absolute in terms of prayer clause (a). In the event, the defendant fails to furnish security as per prayer clause (a), there shall be attachment of the property mentioned in prayer clause (b) of the plaint except the residential property no. b(2).

5. Motion disposed of.

D.G. KARNIK, J